UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,271	03/18/2004	John A. Damm JR.	11KP-122959	7805

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EXAMINER
SANDERS, AARON J

ART UNIT	PAPER NUMBER
2168	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/804,271	DAMM, JOHN A.
	Examiner	**Art Unit**
	AARON SANDERS	2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>13 February 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-18</u> is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-18</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
   1.☐ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment filed 13 February 2008 has been entered. Claims 1-18 are

pending. Claims 1, 7, 13 and 16 are amended. This action is FINAL.

Specification

The amendment to the specification filed 13 February 2008 has been entered.

Claim Objections

As per claims 1, 7, 13 and 16, "the cell" lacks proper antecedent basis in the claims. It

should be referred to as "the spreadsheet-based cell."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by "StatTrak K-

ForCE Pocket PC Edition Help," AllPro Sports Software, June 2003 (StatTrak).

1. StatTrak teaches "A method of updating a spreadsheet-based cell having a value, the method comprising the steps of," see Fig. 51 and "Here we've scored the first two pitches. The first strike was scored by simply tapping the box."

StatTrak teaches "tapping on the spreadsheet-based cell," see Fig. 51 and 7.1, "Scoring balls and strikes is as easy as tapping on [*sic*] of the five pitch boxes," where the claimed "spreadsheet-based cell" is one of the referenced "five pitch boxes."

StatTrak teaches "automatically increasing the value of the cell by a predetermined increment each time the cell is tapped," see Fig. 51 and 7.1, "In addition, you can enter strikes with a tap and swipe up to indicate a foul ball, or a tap and swipe down to indicate a called strike. This leaves a tap and release indicating a swinging strike," where the claimed "predetermined increment" is determined by the way the cell is tapped.

StatTrak teaches "and recording a statistic of an athletic competition using the value of the cell," see Fig. 51 and 7.1, "Numbers appear in the boxes indicating the pitch count of each ball/strike," where the claimed "statistic" is the referenced "pitch count."

2. StatTrak teaches "The method of claim 1, wherein the step of tapping on the cell is performed by a person," see 7.1, "In addition, you can enter strikes with a tap and swipe up to indicate a foul ball, or a tap and swipe down to indicate a called strike."

3. StatTrak teaches "The method of claim 1, wherein the step of tapping on the cell comprises the step of tapping on a touch screen using a stylus," see Fig. 51 and 8.0, "Much of the game can be scored without the use of the stylus" which shows that the previously cited "tapping" is performed with the stylus.

4. StatTrak teaches "The method of claim 1, wherein the step of automatically increasing the value of the cell by a predetermined increment is performed by a computer," see 1.0, "K-ForCE is a baseball/softball scoring program for PocketPC."

5. StatTrak teaches "The method of claim 4, wherein the computer is a handheld computer," see 1.0, "K-ForCE is a baseball/softball scoring program for PocketPC."

6. StatTrak teaches "The method of claim 1, further comprising the step of automatically updating the value of other cells whose value depends upon the value of the cell," see "**Scoreboard**... A scoreboard is maintained and updated with runs, hits and errors, with an inning by inning total of runs."

7. StatTrak teaches "A method of updating a spreadsheet-based cell having a cell-based drop-down list, the drop-down list including a plurality of alternative cell values, the method comprising the steps of," see Figs. 28-33, where the user can select the player and position.

StatTrak teaches "tapping on the spreadsheet-based cell," see Figs. 28-33, where the claimed "spreadsheet-based cell" is the referenced cell into which the first player number is entered.

StatTrak teaches "automatically displaying the drop-down list in response to tapping on the cell," see Fig. 29, which displays the claimed "drop-down list."

StatTrak teaches "tapping on one of the alternative cell values to select a new cell value," see Figs. 29-30 and "Here we select number 63, Joe," where the claimed "alternative cell values" are the referenced list of players.

StatTrak teaches "and automatically entering the new cell value into the cell," see Figs. 30-31, where the claimed "new cell value" is the referenced "63."

StatTrak teaches "wherein the new cell value represents a new value of a player in an athletic competition," see Figs. 28-31, where the referenced number "63" "represents a new value of a player."

8. StatTrak teaches "The method of claim 7, wherein the steps of tapping on the cell and tapping on one of the alternative cell values are performed by a person," see Fig. 29 and "We can enter the starting lineup by number. Here we select number 63, Joe."

9. StatTrak teaches "The method of claim 7, wherein the steps of tapping on the cell and tapping on one of the alternative cell values comprise the step of tapping on a touch screen using a stylus," see 8.0, "Much of the game can be scored without the use of the stylus" which shows that the previously cited "tapping" is performed with the stylus.

10. StatTrak teaches "The method of claim 7, wherein the steps of automatically displaying the drop-down list and automatically entering the new cell value are performed by a computer," see 1.0, "K-ForCE is a baseball/softball scoring program for PocketPC."

11. StatTrak teaches "The method of claim 10, wherein the computer is a handheld computer," see 1.0, "K-ForCE is a baseball/softball scoring program for PocketPC."

12. StatTrak teaches "The method of claim 7, further comprising the step of automatically updating the value of other cells whose value depends upon the value of the cell," see "**Scoreboard**... A scoreboard is maintained and updated with runs, hits and errors, with an inning by inning total of runs."

13. StatTrak teaches "A method of updating a spreadsheet-based cell having a value, the method comprising the steps of," see Fig. 51 and "Here we've scored the first two pitches. The first strike was scored by simply tapping the box."

StatTrak teaches "clicking on the spreadsheet-based cell," see Fig. 51 and 7.1, "Scoring balls and strikes is as easy as tapping on [*sic*] of the five pitch boxes," where the claimed "spreadsheet-based cell" is one of the referenced "five pitch boxes."

StatTrak teaches "automatically increasing the value of the cell by a predetermined increment each time the cell is clicked," see Fig. 51 and 7.1, "In addition, you can enter strikes with a tap and swipe up to indicate a foul ball, or a tap and swipe down to indicate a called strike. This leaves a tap and release indicating a swinging strike," where the claimed "predetermined increment" is determined by the way the cell is tapped.

StatTrak teaches "and recording a statistic of an athletic competition using the value of the cell," see Fig. 51 and 7.1, "Numbers appear in the boxes indicating the pitch count of each ball/strike."

14. StatTrak teaches "The method of claim 13, wherein the step of clicking on the cell is performed by a person using a computer mouse or other pointing device," see Fig. 51 and 8.0, "Much of the game can be scored without the use of the stylus" which shows that the previously cited "clicking" is performed with the stylus.

15. StatTrak teaches "The method of claim 13, wherein the step of automatically increasing the value of the cell by a predetermined increment is performed by a personal computer or laptop," see 1.0, "K-ForCE is a baseball/softball scoring program for PocketPC."

16. StatTrak teaches "A method of updating a spreadsheet-based cell having a cell- based drop-down list, the drop-down list including a plurality of alternative cell values, the method comprising the steps of," see Figs. 28-33, where the user can select the player and position.

StatTrak teaches "clicking on the spreadsheet-based cell," see Figs. 28-33, where the claimed "spreadsheet-based cell" is the referenced cell into which the first player number is entered.

StatTrak teaches "automatically displaying the drop-down list in response to clicking on the cell," see Fig. 29, which displays the claimed "drop-down list."

StatTrak teaches "clicking on one of the alternative cell values to select a new cell value," see Figs. 29-30 and "Here we select number 63, Joe," where the claimed "alternative cell values" are the referenced list of players.

StatTrak teaches "and automatically entering the new cell value into the cell," see Figs. 30-31, where the claimed "new cell value" is the referenced "63."

StatTrak teaches "wherein the new cell value represents a new rating of a player in an athletic competition," see Figs. 28-31, where the referenced number "63" "represents a new value of a player."

17. StatTrak teaches "The method of claim 16, wherein the steps of clicking on the cell and clicking on one of the alternative cell values are performed by a person using a computer mouse or other pointing device," see 8.0, "Much of the game can be scored without the use of the stylus" which shows that the previously cited "clicking" is performed with the stylus.

18. StatTrak teaches "The method of claim 16, wherein the steps of automatically displaying the drop-down list and automatically entering the new cell value are performed by a personal computer or laptop," see 1.0, "K-ForCE is a baseball/softball scoring program for PocketPC."

Response to Arguments

As per Applicant's argument that StatTrak does not teach tapping/clicking on a spreadsheet-based cell and automatically increasing the value of the cell by a predetermined increment each time the cell is tapped/clicked as recited in claims 1 and 13, the Examiner respectfully disagrees. Specifically, the Examiner cited Fig. 51 and 7.1, "Scoring balls and strikes is as easy as tapping on [*sic*] of the five pitch boxes. In addition, you can enter strikes with a tap and swipe up to indicate a foul ball, or a tap and swipe down to indicate a called strike. This leaves a tap and release indicating a swinging strike." Even if the StatTrak interface were not a spreadsheet, which the Examiner contends it is, the five pitch boxes are because they "display data in rows and columns on a screen," see "spreadsheet." *The American Heritage® Dictionary of the English Language, Fourth Edition.* Houghton Mifflin Company, 2004. 27 May 2008. <http://dictionary.reference.com/browse/spreadsheet>. Thus, each pitch box is a "spreadsheet-based" cell.

Further, the value in the pitch box is increased by a predetermined increment each time it is tapped/clicked. The claimed "predetermined increment" is determined by the type of tap, e.g. "tapping" or "tap and swipe up." While the user only taps each pitch box once per player, its value is increased "each time the cell is tapped." For example, the user taps the first pitch box for the first player, incrementing its value to a strike. The next time the user taps that cell, it will be blank, and its value will be incremented according to the type of tap. There is nothing in the claim language that prevents the value of the cell from returning to zero before it is tapped again. Thus, StatTrak teaches tapping/clicking on a spreadsheet-based cell and automatically increasing the value of the cell by a predetermined increment each time the cell is tapped/clicked.

As per Applicant's argument that StatTrak does not teach StatTrak teaches

"automatically displaying the drop-down list in response to tapping on the cell" as recited in

claim 7, the Examiner respectfully disagrees. Specifically, the Examiner cited Figs. 28-29,

which display the claimed "spreadsheet-based cell" and "drop-down list." The interface of Figs.

28-29 is clearly a spreadsheet, thus the claimed "spreadsheet-based cell" is the referenced cell

into which the first player number is entered.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AARON SANDERS whose telephone number is (571)270-1016.

The examiner can normally be reached on M-F 9:00a-5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim Vo can be reached on 571-272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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